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**DISCLOSURE ADVISORY**

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Civilian Complaint Review Board (CCRB) noted Other Misconduct on the part of Michael Laborde, to wit, on August 12, 2016, Michael Laborde failed to produce a stop and frisk report. This finding arose out of a street encounter with the CCRB complainant at East 112th Street and Second Avenue after a civilian told Officer Laborde and his partner that the CCRB complainant was harassing him.
2. The New York City Police Department (NYPD) has deemed substantiated an allegation that on or about September 10, 2016, Michael Laborde committed the violation of Court Non-Appearance – Traffic Violations Bureau.
3. An investigation by the New York County District Attorney's Office revealed the following. On May 20, 2017, Michael Laborde was the arresting officer for the case of three defendants, who were all charged with Robbery in the Second Degree and Gang Assault in the Second Degree. Officer Laborde wrote up the case with an Assistant District Attorney and swore to the following felony complaint:

“I am informed by a person known to the District Attorney's Office that informant observed the defendants and approximately twelve other people strike informant and informant's brother whose identity is known to the District Attorney's Office with their fists and feet. I am further informed that informant suffered bruising to his head and abrasions to his elbows and knees as a result of the defendants' actions. I am further informed that informant's brother was admitted to the hospital with a fractured skull and broken eye socket that resulted from defendants' actions.”

Subsequent interviews with Officer Laborde and the informant revealed that, in fact, the informant identified only two of the three defendants, while a second person identified the third defendant.

Officer Laborde's explanations for this discrepancy varied. On February 16, 2018, he agreed that the informant never identified the third defendant. Shortly before March 12, 2018, he said that the complaint was accurate as drafted. Then on June 13, 2018, he said that just after the incident, the informant could not state for certain whether or how the third defendant was involved and that a second person had identified the third defendant. On June 14, 2018, he said that he spoke with at least five police officers and

the informant prior to writing the case up, that the informant had not identified the third defendant, and that he could not remember if he knew about the second witness's identification at the time he signed the felony complaint. At each interview, Officer Laborde reiterated that the night of the arrest was long and confusing, and that his conversation with the informant was difficult due to the informant's condition.

4. In connection with the above incident, the NYPD Department has deemed substantiated an allegation that Michael Laborde committed the violation of Other Department Rules/Procedures Violation with respect to his swearing to the felony complaint. He was formally re-instructed on his responsibilities regarding "Falsifying Official Records."
5. The CCRB noted Other Misconduct on the part of Michael Laborde, to wit, on June 7, 2017, Michael Laborde failed to prepare a memo book entry. This finding arose out of a street encounter with the CCRB complainant in the vicinity of East 109th Street and First Avenue in the aftermath of a vehicle accident. The CCRB complainant was the uncle of a woman who had been struck by a car. The complainant and his brother (the victim's father) did not respond to police commands to stay on the sidewalk (and, in effect, to move away from the civilian driver who had been driving the vehicle that hit her).

This matter was referred to the NYPD which deemed substantiated the violation of Memobook Incomplete/Improper.

6. The CCRB has deemed substantiated an allegation that on August 2, 2018, Michael Laborde committed the violation of Abuse – Question. This finding arose out of a car stop in the vicinity of East 117th Street and Second Avenue. The vehicle was pulled over because of tinted windows (which the complainant acknowledged and the CCRB verified). The CCRB made the finding with respect to Officer Laborde asking the driver the question:

There ain't nothin in the car that ain't supposed to be there, right? No, I'm asking you, is there anything in the car that's not supposed to be in there? No, absolutely not? 100%? Alright.

The CCRB concluded that absent reasonable suspicion of criminality, there was no basis for posing this question. According to CCRB records, this matter was referred to the NYPD which deemed it substantiated.

7. The CCRB has deemed noted Other Misconduct on the part of Michael Laborde, to wit, Improper Use of Body-Worn Camera on January 15, 2019. This finding arose out of a street encounter with the CCRB complainant in the vicinity of East 116th Street and Madison Avenue. The complainant was stopped because he was believed to be responsible for a shooting outside a nearby schoolyard 10 minutes earlier. Ultimately, he was determined not to have been involved in the shooting, his arrest was voided, and he was released later that evening. Officer Laborde's improper conduct was that he only activated his body-worn camera once officers had apprehended the

complainant, not during the pursuit. Per CCRB records, this matter was referred to the NYPD, which deemed it substantiated.

8. The CCRB has deemed noted Other Misconduct on the part of Michael Laborde, to wit, Improper Use of Body-Worn Camera on February 26, 2019. This finding arose out of a car stop in the vicinity of East 112th Street and Third Avenue. The vehicle was stopped because of tinted windows. Officer Laborde's conduct was that he only activated his body-worn camera once he returned to his police vehicle to write out the summons.

This matter was referred to the NYPD which deemed substantiated the violation of Body Worn Camera – Fail to Activate. The NYPD also deemed substantiated an allegation as to this incident of Disputed Search of a Vehicle – Enforcement Action Taken - Arrest/Summons. The Department determined that the search went beyond the limited search warranted by movements towards a specific area.

9. The New York City Police Department (NYPD) has deemed substantiated allegations that on or about June 5, 2019, Michael Laborde committed the violations of Fail to Safeguard Department Equipment – Radio and Fail to Notify in a Timely Manner – Supervisor.
10. As of February 10, 2021, the CCRB has pending against Michael Laborde the allegations of: Force – Restricted Breathing; Force – Physical Force; and Discourtesy – Word. These allegations were made on November 4, 2019 about an incident on October 25, 2019.
11. As of February 10, 2021, the CCRB has pending against Michael Laborde the allegations of: Force – Physical Force and Force – Nightstick as club (including Asp & Baton). These allegations were made on August 28, 2020 about an incident on June 2, 2020.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Two of these are online databases maintained by the New York City Police Department (<https://nypdonline.org/link/1026>) and the New York City Civilian Complaint Review Board (<https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>). Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: March 17, 2021